

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/14/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES, :

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-v- :

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JEFFREY CHILDS, :

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Defendant. :

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1:16-cr-396-GHW-4

ORDER

GREGORY H. WOODS, United States District Judge:

On May 18, 2020, the Court issued an order denying a request that the Court order his compassionate release to home confinement pursuant to 18 U.S.C. § 3582(c). Dkt. No. 709. Since the date of that order, the Court has received correspondence from Mr. Childs, Dkt. No. 714, and a December 8, 2020 email from Mr. Childs' wife, requesting again that the Court grant him compassionate release under the statute.

The Court has reviewed the additional correspondence submitted on Mr. Childs' behalf. While the Court is empathetic to the conditions that Mr. Childs is experiencing as a result of the impact of COVID-19, the Court has not been presented with sufficient information to justify modifying the conclusion of its prior order denying the requested relief.

Separately, the Court has received from Mr. Childs a document that is styled as a "Motion for Corrected Judgment." Dkt. No. 710. While framed as a motion to correct the judgment, the Court understands that Mr. Childs is asking for the Court to give him credit toward his federal sentence for time that he asserts he served in state prison after the completion of an undischarged state sentence. The Bureau of Prisons (the "BOP"), not the Court, has the authority to calculate the


time of a prisoner's sentence. *See* 18 U.S.C. § 3585; *United States v. Wilson*, 503 U.S. 329, 112 S.Ct. 1351 (1992). The Court denies Mr. Childs' request to amend the judgment. Any issues related to the calculation of Mr. Childs' time served should be directed to the BOP.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail this order, together with the Court's May 18, 2020 order at Dkt. No. 705, to Mr. Childs using the return address provided by Mr. Childs in the letter filed at Dkt. No. 714. The Clerk of Court is also directed to terminate the motion pending at Dkt. No. 710.

SO ORDERED.

Dated: December 13, 2020



GREGORY H. WOODS
United States District Judge